IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT APPEAL NO : 2177 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 29/11/2004 in WP No. 6304 OF 2004 on the file of the High Court.)

Between:

M/s Nandini Wines, Yedpally,

Nizamabad District, rep. by its

Proprietor Sri B.Ram Mohan.

..... APPELLANT

AND

1. The Commissioner of Prohibition & Excise,

Government of Andhra Pradesh at Nampally,

Hyderabad.

2. The Prohibition & Excise Superintendent,

Nizamabad, Nizamabad District.

.....RESPONDENTS

Counsel for the Appellant: Mr. V.TULASI REDDY
Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORAL JUDGMENT:

(per The Honourable Sri Devinder Gupta, Chief Justice)

There is a dispute as regards population of the village in question. Notice was issued to the petitioner-appellant along with the demand to pay higher licence fees. On the question that whether the population is above 10,000 or less than 10,000, which is seriously disputed, necessarily, reasoned order has to be passed by the concerned authority, namely, Licensing Authority, who is Respondent No.2 in this case. The grievance of the appellant is that two other hamlets have been included in the village in question, which was not the position and earlier, Writ Petition was disposed of by this Court. Following the same, we allow the Appeal and set aside the impugned order with direction that Respondent No.2 will hear the petitioner-appellant and pass appropriate orders. It will be open for the petitioner-appellant also to place material before the second respondent. The second respondent will proceed to pass reasoned order and communicate the same to the petitioner. On communication of the same, petitioner will duly comply with the same without raising further objection. Respondent No.2 shall take appropriate decision within a period of four weeks from the date of the receipt of a copy of this order, and, till then status quo as regards recovery shall be maintained. No costs.

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DEVINDER GUPTA, C.J.

31.12.2004.

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M.NARAYANA REDDY, J.

VR.

To

1. The Commissioner of Prohibition & Excise,

Government of Andhra Pradesh at Nampally,

Hyderabad.

2. The Prohibition & Excise Superintendent,

Nizamabad, Nizamabad District.

3. Two CCs to Government Pleader for Prohibition & Excise, High Court Buildings, Hyderabad (OUT).

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